

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UMB BANK, N.A., :
Plaintiff, :
v. : Case No. 1:21-cv-04897 (JMF)
BRISTOL-MYERS SQUIBB COMPANY, :
Defendant. :
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**NOTICE OF MOTION TO DISMISS THIS ACTION FOR
LACK OF SUBJECT MATTER JURISDICTION**

PLEASE TAKE NOTICE that pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure defendant Bristol-Myers Squibb Company (“BMS”), by its undersigned counsel, will and hereby does move, at the United States District Court for the Southern District of New York, Room 1105, 40 Centre Street, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing this action for lack of subject matter jurisdiction and granting BMS such other and further relief as the Court may deem just and proper.

In support of its motion, BMS relies upon the accompanying declaration of John J. Clarke, Jr., the exhibits thereto, its supporting memorandum of law, the further filings made with respect to the motion, and such other proceedings in this action as shall bear on the matters addressed in the motion that may be considered by the Court.

Dated: New York, New York
February 2, 2024

DLA PIPER LLP (US)

By: /s/ John J. Clarke, Jr.

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